

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**FERNANDO CRUZADO, M.D.**

Holder of License No. 30961  
For the Practice of Allopathic Medicine  
In the State of Arizona

Case No. MD-04-0990

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Fernando Cruzado, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that he has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. Respondent acknowledges and understands that this Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent  
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
5 upon signing this agreement, and returning this document (or a copy thereof) to the  
6 Board's Executive Director, Respondent may not revoke the acceptance of the Consent  
7 Agreement. Respondent may not make any modifications to the document. Any  
8 modifications to this original document are ineffective and void unless mutually approved  
9 by the parties.

10 6. Respondent further understands that this Consent Agreement, once  
11 approved and signed, is a public record that may be publicly disseminated as a formal  
12 action of the Board and will be reported to the National Practitioner Data Bank and to the  
13 Arizona Medical Board's website.

14 7. If any part of the Consent Agreement is later declared void or otherwise  
15 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
16 and effect.

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FERNANDO CRUZADO, M.D.

DATED: 3/31/05

## FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 30961 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-04-0990 after receiving a complaint regarding Respondent's employment of an unlicensed physician assistant ("PA").

4. The PA's license to perform healthcare tasks as a physician assistant expired on October 1, 2003 due to non-payment of license renewal fees.

5. On June 14, 2004, Board staff received information that PA was performing healthcare tasks without a license, as evidenced by his signature on medical examination reports filed with the Arizona Department of Transportation (ADOT).

6. The Board's investigation revealed that PA accompanies Respondent into the examination room and documents Respondent's findings. Respondent then reviews PA's documentation. Both PA and Respondent affix their names to the progress/treatment notes.

7. PA affixed the credentials of "P.A." to patient records.

8. In the ADOT Medical Examination Reports for two patients, PA affixed his credentials in two places on each report and his signature is the only one appearing in the space for "Medical Examiner Name."

9. Although Respondent informed the Board that PA performs duties of a clerical nature, such as "scheduling patient appointments, processing patient payments, filing and processing patient referrals," the two patient charts reviewed did not indicate any participation in the examination by Respondent and was signed only by PA using the PA

1 designation. Respondent did not address the issue of patient records being co-signed by  
2 PA.

3 10. It is an act of unprofessional conduct to maintain a professional connection  
4 with or to lend one's name to enhance or continue the activities of an illegal practitioner of  
5 medicine.

6 11. It is an act of unprofessional conduct to violate any federal or state laws or  
7 rules and regulations applicable to the practice of medicine.

### 8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter hereof and over  
10 Respondent.

11 2. The conduct and circumstances described above constitute unprofessional  
12 conduct pursuant to A.R.S. § 32-1401 (27)(a) – (“[v]iolating any federal or state laws or  
13 rules and regulations applicable to the practice of medicine.”)

14 3. The conduct and circumstances described above constitute unprofessional  
15 conduct pursuant to A.R.S. § 32-1401 (27)(cc) – (“[m]aintaining a professional connection  
16 with or lending one's name to enhance or continue the activities of an illegal practitioner of  
17 medicine.

### 18 ORDER

#### 19 IT IS HEREBY ORDERED THAT:

20 1. Respondent is issued a Letter of Reprimand for employing an unlicensed  
21 person acting as a physician assistant to perform healthcare tasks.

22 2. Respondent shall pay a civil penalty in the amount of \$1,000.00 within 60  
23 days.

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25 ...

3. This Order is the final disposition of case number MD-04-0990.

DATED AND EFFECTIVE this 13 day of April, 2005.



ARIZONA MEDICAL BOARD

By

TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed this  
14 day of April, 2004 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed  
this 14 day of April, 2004 to:

Fernando Cruzado, M.D.  
Address of Record

Quality Assurance